UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,093	03/08/2001	Shintaro Asano	12565-036	4936

30623   7590   09/26/2003

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EXAMINER
WILSON, YOLANDA L

ART UNIT	PAPER NUMBER
2184	

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/802,093	Applicant(s) ASANO, SHINTARO
	Examiner Yolanda Wilson	Art Unit 2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 March 2001_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14 and 17-21_ is/are rejected.

7)☒ Claim(s) _15 and 16_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _08 March 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6)☐ Other:

DETAILED ACTION

Claim Objections

1.   Claims 15,16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-5,7-13,17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shannon (USPN 5799147A). As appears in claim 1, Shannon discloses a first computer, a second computer operatively coupled to the first computer through a network, the first computer being programmed to receive an electronic message from the second computer and in response to the message to remotely administer the transfer of electronic data from the second computer to the data storage device, and the first computer being further programmed to transmit an electronic message to indicate that the transfer of electronic data is complete in column 3, lines 11-16, lines 34-37, "The method provides for initiating by the client computer operator the updating of the disk map with the new disk map of the client computer, either manually by the computer operator or by a programmed, preselected automatic means such as a preprogrammed code word or key sequence...After completing the backup transmission the client computer is notified of the update completion and the transmission connection between the client computer and the server computer is terminated."

3.   As appears in claim 2, Shannon discloses the network includes the Internet in

column 4, lines 65-67 – column 5, line 1, "The network link with the server computer

system 14 occurs at point 28, commencing the log-on for the updating and copying of

the modified files and the updated disk map to the server computer."

4.   As appears in claim 3, Shannon discloses wherein the first computer is further

programmed to transmit an electronic message to identify a problem in the transfer of

electronic data in column 3, lines 67 – column 4, lines 1-4, "In the event of a failure to

the backup medium, which is a high visibility event recreation of the check point image

is a simple straight forward method since the image is always available from the primary

source."

5.   As appears in claim 4, Shannon discloses the first computer is further

programmed to transmit an electronic message to identify a repair that is required to

correct the problem in column 3, lines 67 – column 4, lines 1-4, "In the event of a failure

to the backup medium, which is a high visibility event recreation of the check point

image is a simple straight forward method since the image is always available from the

primary source."

6.   As appears in claim 5, Shannon discloses wherein the first computer is further

programmed to remotely repair the problem in column 3, lines 67 – column 4, lines 1-4,

"In the event of a failure to the backup medium, which is a high visibility event recreation

of the check point image is a simple straight forward method since the image is always

available from the primary source."

7.   As appears in claim 7, Shannon discloses the data storage device includes an

automatic transfer library operatively coupled to the first computer in column 5, lines 23-

27, "The first server computer being linked to a second server computer 62 by means of

a second network system 68 transfers the information from the first server disk data

cache 58 to the second server computer system disk data cache 64."

8.   As appears in claim 8, Shannon discloses the data storage device includes an

automatic transfer library operatively coupled to the second computer in column 5, lines

23-27, "The first server computer being linked to a second server computer 62 by

means of a second network system 68 transfers the information from the first server

disk data cache 58 to the second server computer system disk data cache 64."

9.   As appears claim 9, Shannon discloses means for remotely coupling to the

computer, means for sending a signal to indicate that the data storage backup process

is complete in column 3, lines 34-37, "After completing the backup transmission the

client computer is notified of the update completion and the transmission connection

between the client computer and the server computer is terminated."

10.   As appears in claim 10, Shannon discloses means for sending a signal to identify

a program in the data storage backup process in column 3, lines 67 – column 4, lines 1-

4, "In the event of a failure to the backup medium, which is a high visibility event

recreation of the check point image is a simple straight forward method since the image

is always available from the primary source."

11.   As appears in claim 11, Shannon discloses means for remotely repairing the

problem in column 3, lines 67 – column 4, lines 1-4, "In the event of a failure to the

backup medium, which is a high visibility event recreation of the check point image is a

simple straight forward method since the image is always available from the primary

source."

12.   As appears in claim 12, Shannon discloses coupled a first computer to a second

computer through a network, administering the transfer of electronic data to the data

storage device, transmitting an electronic message from the first computer to indicate

that the transfer of electronic data is complete in column 3, lines 11-16, lines 34-37,

"The method provides for initiating by the client computer operator the updating of the

disk map with the new disk map of the client computer, either manually by the computer

operator or by a programmed, preselected automatic means such as a preprogrammed

code word or key sequence...After completing the backup transmission the client

computer is notified of the update completion and the transmission connection between

the client computer and the server computer is terminated."

13.   As appears in claim 13, Shannon discloses the network includes the Internet in

column 4, lines 65-67 – column 5, line 1, "The network link with the server computer

system 14 occurs at point 28, commencing the log-on for the updating and copying of

the modified files and the updated disk map to the server computer."

14.   As appears in claim 17, Shannon discloses the data storage device includes an

automatic transfer library operatively coupled to the second computer in column 5, lines

23-27, "The first server computer being linked to a second server computer 62 by

means of a second network system 68 transfers the information from the first server

disk data cache 58 to the second server computer system disk data cache 64."

15.   As appears in claim 18, Shannon discloses the automatic transfer library

operatively is coupled to the first computer in column 5, lines 23-27, "The first server

computer being linked to a second server computer 62 by means of a second network

system 68 transfers the information from the first server disk data cache 58 to the

second server computer system disk data cache 64."

16.   As appears in claim 19, Shannon discloses identifying a problem in the transfer

of electronic data in column 3, lines 67 – column 4, lines 1-4, "In the event of a failure to

the backup medium, which is a high visibility event recreation of the check point image

is a simple straight forward method since the image is always available from the primary

source."

17.   As appears in claim 20, Shannon discloses remotely repairing the problem in

column 3, lines 67 – column 4, lines 1-4, "In the event of a failure to the backup

medium, which is a high visibility event recreation of the check point image is a simple

straight forward method since the image is always available from the primary source."

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

19.   Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shannon (USPN 5799147A) in view of Crockett et al. (USPN 6260124B1).As appears in

claim 6, Shannon fails to explicitly state the first computer is further programmed to transmit an electronic message to notify an administrator location to the second computer to perform the repair.

Crockett et al. discloses in column 7, lines 15-20, "If an error condition exists steps are taken to resolve the error (step 418). This may involve a system administrator reconfiguring one or more components of the system 100, a technician repairing or replacing a filed component, or self-repair of the affected component."

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first computer is further programmed to transmit an electronic message to notify an administrator location to the second computer to perform the repair. A person of ordinary skill in the art would have been motivated to have the first computer is further programmed to transmit an electronic message to notify an administrator location to the second computer to perform the repair because an administrator is needed to repair the problem based on the severity of the problem.

20.   As appears in claim 21, Shannon fails to explicitly state notifying a local administration to repair the problem.

Crockett et al. discloses in column 7, lines 15-20, "If an error condition exists steps are taken to resolve the error (step 418). This may involve a system administrator reconfiguring one or more components of the system 100, a technician repairing or replacing a filed component, or self-repair of the affected component."

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first computer is further programmed to transmit an electronic message to notify an administrator location to the second computer to perform the repair. A person of ordinary skill in the art would have been motivated to have the first computer is further programmed to transmit an electronic message to notify an administrator location to the second computer to perform the repair because an administrator is needed to repair the problem based on the severity of the problem.

Claim Rejections - 35 USC § 103

21.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon in view of Morris et al. (USPN 6347339B1). As appears in claim 14, Shannon fails to explicitly state transmitting an electronic signal recognizable by the second computer from the first computer to the second computer to operatively couple the first and second computers.

Morris et al. discloses in the abstract, "The client and the server communicate using an embedded protocol such as telnet. The protocol defines a login process that must be used by the client to establish a logical connection to the server. The protocol

also specifies that the server must immediately issue a response to a login attempt by either establishing a connection or issuing an error message."

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit an electronic signal recognizable by the second computer from the first computer to the second computer to operatively couple the first and second computers. A person of ordinary skill in the art would have been motivated to transmit an electronic signal recognizable by the second computer from the first computer to the second computer to operatively couple the first and second computers because the connection between the computers has to be established in an effective manner for the transferring of data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda Wilson whose telephone number is (703) 305-3298. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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